

REMARKS

Claims 1-87 are pending in the application. The Abstract and claims 1, 3, 6-8, 30, 32, 37, 59, 61, 65, and 66 are currently amended. Support for the amendments to the Abstract and claims can be found in the original Abstract and claims. No new matter is presented by the amendments. Accordingly, applicant respectfully requests entry thereof and reconsideration of claims 1-87 in light of the following remarks.

Initially, applicant notes with appreciation the indication of allowable subject matter on page 5 of the Action. Specifically, claims 2-8, 15-29, 60-66, and 73-87 were only objected to as being dependent upon a rejected base claim (rejected in light of prior art), and claims 9, 38, and 67 were rejected only under 35 U.S.C. §112, second paragraph. Applicant respectfully submits that all of the pending claims are allowable over the prior art of record for the reasons noted below.

To assist the Examiner, applicant will address the objections and rejections set forth in the Action *seriatim*.

Page 2 of the Action objects to the Abstract as including the phrase “as disclosed.” The Abstract has been revised to delete this phrase. Applicant respectfully requests that the Examiner reconsider and withdraw this objection.

Pages 2 and 3-4 of the Action object to the specification and reject claims 30-58 under 35 U.S.C. §112, first paragraph. The Action alleges that the language “a foam fluid handling layer comprising aliphatic isocyanate” is not supported by the specification because the specification discloses a foam material formed from or made from an aliphatic isocyanate. Claim 30 has been revised to recite a foam fluid handling layer made from at least an aliphatic isocyanate, thereby obviating the objection and rejection. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the objection and rejection.

Page 3 of the Action objects to claims 8, 37, and 66 as including the word “additive” in the Markush group of additives. Page 4 of the Action rejects claims 9, 38, and 67, which depend from claims 8, 37, and 66, for use of the phrase “the additive.” Claims

8, 37, and 66 have been revised to delete the term "additive" from the Markush group of additives, thus obviating the objection and rejection. Again, applicant respectfully requests that the Examiner reconsider and withdraw the objection and rejection.

Pages 4 and 5 of the Action reject claims 1, 10-14, 59, and 68-72 under 35 U.S.C. §102(e) as being anticipated by Whitmore, *et al.*, U.S. Patent No. 6,417,425 ("Whitmore"). Applicant respectfully traverses this rejection.


The Examiner alleges that Whitmore discloses an absorbent article having "a 3rd insult rewet of less than 25 grams and a 3rd insult Strikethrough of less than 35 seconds." Applicant respectfully disagrees. The strikethrough and rewet values reported in Whitmore are not measured in the same manner as the strikethrough and rewet values reported in the present application. In addition, the absorbent articles whose strikethrough and rewet values are reported in Table 6 on column 26 do not include a fluid acquisition layer, as recited in the present claims. Accordingly, it is improper to compare the values reported in Table 6 with those recited in the present claims.

Solely in an effort to expedite prosecution, however, applicant has revised the independent claims to recite a foam fluid handling layer. Whitmore fails to disclose or suggest the use of a foam fluid handling layer, and consequently, can not anticipate the instant claims. Accordingly, applicant respectfully requests that the Examiner reconsider and withdraw this rejection.

In view of the foregoing, applicant submits that the present claims are in condition for allowance. An early notice to that effect is earnestly solicited. Should there be any questions concerning this application, Examiner Webb is courteously invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
HUNTON & WILLIAMS

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